

FILED

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

2008 MAY -5 PM 12:00

U.S. DISTRICT COURT
W.D.N.Y. - BUFFALO

JAMES R. MERCER, JR. 87C0688,

Plaintiff,

-v-

DECISION AND ORDER
08-CV-0197A(F)

T. BENSON, et al.,


Defendants.

Plaintiff James R. Mercer, Jr. has brought this action under 42 U.S.C. § 1983, complaining that his constitutional rights were violated at the Wende and Clinton Correctional Facilities. However, most of the defendants, most of the claims, and the plaintiff are located in the Northern District of New York. Venue in a case involving a federal question is proper where the majority of the events occurred, and where the defendants can be found. 28 U.S.C. § 1391(b). Pursuant to 28 U.S.C. § 1406(a), this action is ordered transferred to the United States District Court for the Northern District of New York.

The determination of the plaintiff's motion for permission to proceed *in forma pauperis* has been left to the Northern District of New York. Therefore, because this Court has already sent his signed authorization form to the Clinton Correctional Facility for execution, the Pro Se Office is directed to advise the facility of the transfer of this case to the Northern District.

IT HEREBY IS ORDERED, that this matter is transferred to the United States District Court for the Northern District of New York.

IT IS SO ORDERED.



HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

Dated: May 5, 2008